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Twenty-third report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1711 (2006) of 29 September 2006, by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 15 February 2007; welcomed my intention to consult closely with the new Congolese authorities on an adjustment of the mandate and capacities of MONUC after the completion of the national elections; and requested me to submit recommendations in this regard by the end of January 2007. In its resolution 1736 (2006) of 22 December 2006, the Security Council authorized, from 1 January 2007 until the expiry of the current MONUC mandate, an increase in the military strength of up to 916 personnel, to allow for the continued deployment of the infantry battalion and the military hospital previously authorized under the mandate of the United Nations Operation in Burundi. In its resolution 1742 (2007) the Council provided a further extension of the MONUC mandate until 15 April 2007. The present report covers major developments since my last report to the Council, dated 21 September 2006 (S/2006/759), and provides recommendations on the future mandate of MONUC.

II. Situational update

A. Political developments

2. Following the successful presidential, National Assembly and Provincial Assembly elections in the Democratic Republic of the Congo, the National Assembly was installed on 22 September 2006 and President Joseph Kabila was inaugurated on 6 December 2006, bringing the transition process envisaged by the Global and All-Inclusive Agreement of 2002 to a formal conclusion. On 30 December 2006, President Kabila appointed as Prime Minister Antoine Gizenga, who announced the formation of his cabinet on 5 February. The Provincial Assemblies elected members of the Senate and Governors in January. However, those indirect elections were marred by widespread allegations of corrupt practices in the conduct of the vote. In this regard, it is notable that gubernatorial candidates

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affiliated with the Alliance pour la majorité presidentielle (AMP) were elected in Kinshasa and Bas-Congo province, despite the fact that the majorities in both of the relevant Provincial Assemblies are affiliated with the Union pour la nation (UPN).

3. On 29 October 2006, the second round of the presidential and Provincial Assembly elections took place in a generally peaceful environment. The Independent Electoral Commission improved its performance in the conduct of the polls, the vote count and the compilation of results. Voter turnout was lower than in the first presidential round, held on 30 July 2006, with 65 per cent of the electorate casting votes. Isolated incidents were reported in 3 of the 189 constituencies in Equateur and Ituri, where polling was rescheduled for 31 October and 2 November 2006. National and international observer missions, including those of the African Union, the European Union, South Africa and the Carter Center, widely regarded the elections as technically sound, transparent and credible.

4. Despite tensions and mutual accusations in advance of the second round of presidential elections, representatives of President Joseph Kabila and Vice-President Jean Pierre Bemba met regularly in confidence-building forums. The President of the Independent Electoral Commission, Abbé Malu Malu, regularly briefed both parties on electoral developments and technical issues. The Comité international des sages, chaired by Joaquim Chissano, former President of Mozambique, also met frequently with the parties to discuss, inter alia, the conduct of the campaign. The parties signed several agreements reaffirming their commitment to a peaceful electoral process, agreeing to accept the outcome of the polls without recourse to violence, and to demilitarize the capital and major urban centres.

5. On 15 November 2006, the President of the Independent Electoral Commission announced the provisional results of the second presidential round, declaring President Kabila the winner with 58.05 per cent of the vote. On 18 November, Vice-President Bemba submitted an appeal to the Supreme Court, alleging electoral irregularities. On 21 November, violent demonstrations outside the Supreme Court building caused a temporary suspension of the Court's review of the provisional results. Order was quickly restored with MONUC assistance, and on 27 November the Supreme Court ruled that the complaints of irregularities were unfounded and officially declared Joseph Kabila President-elect. On 28 November, Vice-President Bemba stated that, in the interest of maintaining peace, he accepted the results and would lead a strong and republican opposition.

6. President Kabila's inaugural speech on 6 December outlined a broad and ambitious agenda of reform to end the cycle of crises in the Democratic Republic of the Congo and to improve living conditions. He cited as priorities improvements in infrastructure, education, employment, water and electricity supplies, health care and good governance. He emphasized that the security and development challenges facing the country transcended partisan interests, and that there was "room for everybody" in a democracy.

7. Meanwhile, two broad alliances emerged in the 500-seat National Assembly: AMP, the Parti lumumbiste unifié and the Union des démocrates mobutistes, having more than 300 seats, formed a bloc supporting President Kabila, while parties supporting former Vice-President Bemba in his presidential bid, including the Mouvement de libération du Congo (MLC) and a number of former presidential candidates formed a political opposition, UPN, with some 116 seats. Vital Kamerhe

was elected Assembly President and presides over the Assembly Bureau, elected on 28 December, whose seven members are all affiliated with AMP.

8. On 19 January, the 11 Provincial Assemblies elected members of the Senate. Among those elected were some who had been prominent figures during the transition, including former Vice-Presidents Bemba and Abdoulaye Yerodia. Nine Provincial Assemblies elected Governors and Vice-Governors on 27 January. Gubernatorial polls in Kasai Occidental and Kasai Oriental were delayed until 15 February. AMP-affiliated candidates won 10 governorships, with a UPN candidate winning the governorship of Equateur province. Following widespread allegations of corruption in forms such as vote-buying, appeals were filed in appeals courts in nine provinces. Candidates from Bas-Congo, Kinshasa, Bandundu, Kasai Oriental and Maniema contested the provisional results in the Supreme Court, which upheld the results in all but Maniema, for which a decision is still pending.

9. On 24 February, the parliament adopted the Government programme for 2007-2011, marking the formal establishment of the new Government. The programme reflects the priorities identified in the country's poverty reduction strategy paper adopted in 2006. The proposed budget for the 2007-2011 programme is some $14 billion, half of which the Government hopes will be funded by donors. In a welcome development, the Government annexed to its programme a "governance contract", which is closely modelled on and reflects the priorities of the governance compact developed during the transition.

10. The representation of women in the Government is, regrettably, very low: 9 of 60 Ministers, 42 of 500 members of the National Assembly, 5 of 108 Senators; and 43 of 690 Provincial Assembly members are women. Only one woman was elected Vice-Governor, out of 22 gubernatorial posts.

11. I visited the Democratic Republic of the Congo from 26 to 28 January. I congratulated President Kabila and the National Assembly and urged leaders of the Democratic Republic of the Congo to work together towards the consolidation of peace and reconstruction. I came away deeply impressed by the magnitude of the tasks facing the Government and the people of the country, and the scope of MONUC operations.

B. Security

12. While Kinshasa and most other urban areas are generally calm and peaceful, frequent outbreaks of fighting continue in the east, resulting in civilian casualties and displacement. The serious violence that erupted in Bas-Congo province after the gubernatorial elections demonstrated the dangerous fragility of the situation and serious deficiencies in the security forces. Incidents of unrest, often caused by disgruntled former combatants, continue throughout the country, and in some areas armed robbery and criminal activities have increased.

13. In North Kivu, fighting broke out in Sake on 25 November between non-integrated brigades loyal to Laurent Nkunda and the Armed Forces of the Democratic Republic of the Congo (FARDC). This conflict reflects deep underlying local tensions, in particular concerns among the minority Tutsi population regarding their security and lack of representation in Government. On 4 January, an agreement was reached, with important facilitation by the Government of Rwanda, between

representatives of both sides to merge Nkunda-led elements with FARDC brigades from South Kivu. This mixing process helped bring an end to fighting. However, effective *brassage* of the former combatants, the professionalization of FARDC and a comprehensive strategy for reconciliation and economic development are preconditions for long-term stability in the eastern Democratic Republic of the Congo.

14. In Bas-Congo, serious incidents of civil unrest on 31 January and 1 February between a politico-religious movement, Bundu Dia Kongo (BDK), and the Congolese security forces resulted in more than 100 deaths, mainly of civilians. The violent disturbances were reportedly precipitated by a BDK call for a *ville morte* following the announcement of the provisional gubernatorial results by the Independent Electoral Commission, declaring the election of AMP-affiliated candidates as Governor and Vice-Governor. UPN, and some members of BDK, contested the results at the Bas-Congo Court of Appeals, alleging serious corrupt practices, given that the majority of seats in the Provincial Assembly had been won by UPN-affiliated candidates.

15. A MONUC investigation into the disturbances noted the Government's limited law enforcement capacity and the poor discipline of some Congolese national police and FARDC personnel, who responded to the unrest with a disproportionate use of force and, in some cases, with summary executions. Violent action taken by some BDK elements and other demonstrators exacerbated the situation. In addition to deploying a formed police unit, troops and humanitarian and human rights teams of MONUC, my Special Representative continues to work with the Government, the national police and opposition supporters to prevent further violence in Bas-Congo, impressing on the authorities the need to scrupulously keep their pledge to ensure democracy and create political space for the opposition.

16. On 3 March, an incident of cross-border fire from the Democratic Republic of the Congo territory near Kibumba (30 km north of Goma) directed at Rwandan troops on the other side of the border was reportedly followed by a further exchange of fire on 4 March. The Rwandan Defence Forces subsequently addressed a letter to MONUC expressing concern about recent cross-border incidents allegedly involving combatants of the Democratic Forces for the Liberation of Rwanda (FDLR) present in the Democratic Republic of the Congo. MONUC has encouraged the Governments of the Democratic Republic of the Congo and Rwanda to discuss this incident and to seek a solution to the broader question of the remaining FDLR elements on the territory of the Democratic Republic of the Congo.

17. On 6 March, FARDC issued a communiqué ordering all personal guards of the Vice-Presidents and other senior transitional government officials to report with their weapons to FARDC sites by 15 March. It also indicated that their duties would be assumed by the national police and private security companies. The communiqué resulted in tensions in Kinshasa between the close-protection force of former Vice-President Bemba and FARDC. MONUC has increased patrols to defuse the situation and is actively engaged in facilitating contacts between the parties to find a peaceful solution.

18. The Lord's Resistance Army (LRA), which maintains a small presence in the remote Garamba Park border region in the north-eastern Democratic Republic of the Congo, poses a major security challenge and a continuing source of tension for the Democratic Republic of the Congo and neighbouring States. MONUC is supporting

efforts to facilitate dialogue aimed at a lasting solution to the LRA problem, and it promotes active deterrence of the group's activities by supporting FARDC operations.

C. Disarmament, demobilization and reintegration

19. In 2006, the Government reached provisional disarmament, demobilization and reintegration agreements with the three remaining Ituri armed groups, comprising 4,500 combatants. Despite those agreements, on 24 December sporadic fighting broke out between FARDC and one group, the Front nationaliste intégrationniste (FNI) militia led by Peter Karim. By 9 March, following joint FARDC and MONUC operations to contain FNI elements, some 600 fighters had presented themselves for disarmament, demobilization and reintegration. Continued pressure is still required to induce remaining elements of the armed groups to undergo disarmament, demobilization and reintegration and *brassage*. In Katanga, local armed groups, including some 3,000 Mayi-Mayi elements, are to participate in community stabilization programmes following their disarmament.

D. Elections

20. In a letter addressed to me dated 1 March, Prime Minister Gizenga indicated that the local elections should be held as soon as possible. He requested United Nations technical and logistical assistance, along with support in mobilizing resources for the preparation and conduct of both direct and indirect local elections. He also requested that the United Nations coordinate all international electoral assistance. The United Nations is prepared to support that request and is consulting with the Government regarding the election plan.

E. Regional developments

21. The signing on 15 December of the Pact on Security, Stability and Development in the Great Lakes Region was a historic development. Upon ratifying the Pact, participating States will commit themselves to adhering to the principle of non-aggression, the promotion of democracy and good governance, regional integration and mutual assistance on key human rights and humanitarian issues. The Pact and its protocols provide for the mandatory disarmament and extradition of foreign armed groups, the prevention of illicit flows of small arms, close collaboration with the United Nations and the establishment of joint security management mechanisms along common borders.

22. Military representatives from the Democratic Republic of the Congo, the Sudan and Uganda met on 7 February in Arua, north-western Uganda, to address issues of joint border security. Furthermore, from 26 to 28 February, the Democratic Republic of the Congo Government hosted the first meeting of parliamentarians of the Great Lakes region in Kinshasa. The parliamentarians agreed to the establishment of a regional parliamentary forum and declared their commitment to promoting the Pact's ratification and implementation.

III. The post-transitional period

23. The Transitional Government, with massive support from the United Nations and the international community, made considerable progress towards the objectives of the 2002 Global and All-Inclusive Agreement, particularly regarding the reunification of the country; the initial integration of FARDC; the adoption, through a national referendum, of the new Constitution; and the holding of national elections. However, significant aspects of the transition agenda remain to be completed, particularly with respect to armed groups, local elections, transitional justice and the promotion of reconciliation relating to ethnic tension and serious human rights violations.

24. The Global and All-Inclusive Agreement envisaged the establishment of a new political order based on constitutional and democratic government. The objectives for achieving this were outlined in President Kabila's inaugural speech and further elaborated in the Government programme for 2007-2011. The programme and the "governance contract" annexed to it place particular emphasis on good governance and rule of law, security sector reform, transparency and the fight against corruption, improved management of public funds and natural resources, civil service reform, local governance and an enhanced investment climate, including reform of publicly owned enterprises. Those documents set out widely agreed immediate steps for setting the country on a sustainable path towards meeting the Millennium Development Goals. The coupling of the Government programme and the "governance contract" is a welcome sign that the new Government recognizes the link between economic and social progress and democratic norms of transparency and accountability.

25. In carrying out its programme, the Government will face a number of immediate challenges complicated by severe security and fiscal constraints, lack of infrastructure and inadequate institutional capacity. It will need to extend State authority throughout the country and develop and implement strategic plans to stabilize the eastern provinces and to reform the security sector. Early and effective measures will also be needed to provide basic social services and improve living conditions for the people of the Democratic Republic of the Congo.

A. Democratic institutions and processes

26. The Government will need to continue, in a transparent and determined manner, the establishment of the new institutions and mechanisms of the State at the national and provincial levels, in accordance with the Constitution. Legislation will be needed to establish the new High Courts and related institutions. Immediate steps will need to be taken towards empowering the new provincial governments and Assemblies through, inter alia, determining the most effective means for realizing the constitutional provision for decentralization. A key measure of the Government's commitment to consolidating democracy will be concrete steps to eliminate corruption and to ensure the systematic promotion of and respect for human rights throughout its institutions, particularly by the army and the police.

27. The Government will also need to ensure that there is an open, transparent political process that ensures popular participation in decision-making. Inclusiveness and consultation with opposition parties and broader civil society will

be key indicators of the Government's commitment to democracy, as will its willingness to ensure the effective functioning of a multiparty political system as it approaches local elections and decentralization.

28. The dilapidated state of the civil administration will require urgent Government attention. Civil administration is weak, non-existent, or unduly influenced by local power brokers, particularly in areas affected by conflict. Strengthening the civil service at the central and provincial levels will be critical for improving security, the rule of law and living standards.

B. Security environment and security sector reform

29. The security situation remains precarious in many areas; Equateur, Ituri, the Kivus, Katanga, the Kasais, Bas-Congo and Kinshasa are particular areas of concern. FARDC remains fragile because of weak command and control; high levels of corruption; poor operational planning and tactical skills; poor administrative and logistical capacity to oversee the deployment, payment, sustenance and equipping of troops; very limited training capacity; and questionable loyalty on the part of some troops. While 14 of an intended 18 integrated brigades have been established, none can be considered effective without MONUC logistical support and, on occasion, operational training. The capacity of the national police has improved with the help of the United Nations and bilateral donors. However, it is still severely limited by deficiencies in training, a lack of unified and accountable command structures and systems for registering and vetting personnel and a lack of equipment.

30. Security and respect for the rule of law are key preconditions for progress. The Government, with international support, needs to urgently develop a comprehensive national security strategy and plan for security sector reform aimed at building the capacity of the defence sector, the police and the administration of justice so as to ensure the existence of professional, well-managed security institutions functioning within a framework of rule of law and respect for human rights. MONUC facilitation and co-chairmanship of the Joint Commission on Security Sector Reform played an important role, while donors such as Angola, Belgium, South Africa and the United States of America have provided critical bilateral training support to FARDC. The European Union security sector reform mission has also provided valuable support for security sector reform. Other international partners, including Japan, the Netherlands, South Africa, the United Kingdom of Great Britain and Northern Ireland, the European Union — including through its police mission in Kinshasa — and the European Commission have also provided valuable support to the National Police, and Canada and the United Kingdom to the civilian and military judiciary. The European Union has indicated a willingness to coordinate international support for security sector reform.

Military

31. During the transition period, a primary focus of security sector reform, in tandem with the disarmament, demobilization and reintegration programme, was to build the capacity of the national army through restructuring, limited training projects and the integration of former belligerent forces. Through this Government-led process, some 96,478 combatants have been demobilized, with 50,541 integrated into the armed forces. The disarmament of another 44,046 former combatants has

been completed. The Government will need to develop mechanisms to integrate an additional 34,786 elements, including the Kinshasa garrison and the Republican Guard.

32. Accelerated disarmament, demobilization and reintegration efforts are needed to disband the remaining armed groups, and to consolidate gains through improved law enforcement and reintegration processes. However, the disarmament, demobilization and reintegration of an estimated remaining 70,000 former combatants risks being jeopardized by a lack of funding. The Multi-Country Demobilization and Reintegration Programme is currently mobilizing resources through the World Bank and its partners for a follow-up project to support the national disarmament, demobilization and reintegration programme. The funding will be conditional on changes in the arrangements for implementing that programme and improved governance. Working with its international partners, the Government of the Democratic Republic of the Congo should provide the political support for the demobilization of remaining troops and militia.

33. The record of FARDC personnel as major perpetrators of human rights abuses is aggravated by a lack of accountability for those and other crimes, which is due to an inadequately resourced military justice system and interference in the judicial process. Continued appointments of alleged human rights violators to high-ranking positions within FARDC are a source of concern. MONUC documents reports of human rights violations by FARDC and regularly submits its reports to the authorities. Reform of FARDC and effective measures to combat impunity would significantly reduce the level of human rights violations in much of the Democratic Republic of the Congo.

Police

34. During the transition period, 53,000 Congolese police received basic training, largely for election security. MONUC also oversaw the provision of basic equipment for some 32,000 national police personnel through a $52 million trust fund administered by the United Nations Development Programme (UNDP). A police reform commission, comprising Government and international members, prepared a comprehensive set of recommendations for a legal framework and the restructuring and rebuilding of the national police, including on the development of basic operational, technical, and administrative capacities. The recommendations include those on the early implementation of a police census featuring the vetting and certification of officers and the adoption of legislation on longer-term modernization.

Justice

35. The justice sector severely lacks operational capacity. It has historically lacked independence and an ability to prosecute crimes and enforce judgements. Low salaries have compounded corruption, and few citizens have access to legal representation. Fewer than 60 of the required 180 first-instance courts exist, laws are obsolete and judicial facilities and prisons are extremely dilapidated.

36. Despite a few recent convictions by military courts relating to violations of human rights, the Democratic Republic of the Congo faces a pervasive climate of impunity. Of the few convictions for serious offences in the reporting period was a verdict issued by the Military Tribunal of Ituri district, on 19 February, convicting

six of seven suspects for the murder of two United Nations military observers in May 2003.

37. The United Nations has contributed to capacity-building through technical advice and training, transport of judges and the MONUC prison support programme. Significant support from international partners is urgently needed for building the capacity of the justice system.

C. Economic management

38. Most of the population has failed to benefit from the natural resource wealth of the Democratic Republic of the Congo because of protracted war, civil disturbances, mismanagement and corruption. Social indicators are dismal. Life expectancy stands at 43 years, and mortality of children under 5 years of age is above 220 per thousand. An estimated 16 million people suffer critical food needs. Gross domestic product per capita stood at about $120 in 2005, and 75 per cent of the population lives on less than one dollar a day. The Democratic Republic of the Congo ranked 167th out of the 177 countries in the UNDP *Human Development Report 2006*. Uncontrolled and insufficient State revenues, budget leakages, serious irregularities in the allocation of concessions for the exploitation of natural resources, patronage in public enterprises and lack of transparency in budget execution and procurement undermine the country's sovereignty and the effective functioning of the State. The "governance contract", described in paragraph 24 above, commits the new Government to new approaches to the management of State finances, including opening the budgetary process to public scrutiny and parliamentary oversight.

39. In March, the International Monetary Fund suspended its regular stabilization programme and cash support after the Transitional Government failed to meet its targets. Uncontrolled public spending, financed partially by the issuance of currency, has contributed to a significant accumulated national debt and a worsening inflation rate. In 2007, the new Government is likely to face a considerable budget gap, which is expected to hamper its ability to pay public-sector salaries.

40. World Bank President Paul Wolfowitz and the European Commissioner for Development and Humanitarian Aid, Louis Michel, visited the Democratic Republic of the Congo on 8 and 9 March. During their visit, they called on the international community to provide support for the new Government's peacebuilding and reconstruction efforts. Mr. Wolfowitz announced that the World Bank would provide $1.5 billion in reconstruction assistance over the next three years, and Mr. Michel announced that the European Union was providing €161 million in 2007 for that purpose.

D. Human Rights

41. The human rights situation remains critical throughout the Democratic Republic of the Congo. Although the number of gross human rights violations reported to and investigated by MONUC decreased considerably in 2006 relative to 2005, violence against civilians continues. Summary executions, politically motivated mass arbitrary arrests, ill-treatment and torture of civilians, beatings and rape continue to be committed, mainly by security service personnel. Despite the

adoption in July 2006 of laws on sexual violence, rape is widespread, including incidents of mass rape.

42. In a landmark step towards fighting impunity, on 29 January the International Criminal Court confirmed the charges against former militia leader Thomas Lubanga for war crimes committed in Ituri during 2002 and 2003.

IV. Post-transition mandate of the Mission

43. The Democratic Republic of the Congo has entered a new political era. However, significant core stabilization tasks in the current MONUC mandate remain to be completed, including the creation of a stable security environment: disarmament, demobilization, repatriation, resettlement and reintegration of foreign armed groups; disarmament, demobilization and reintegration of Congolese combatants; and support for the large and complex local election process. Having consulted the Government, I believe that during the next phase MONUC will also need to play a strong role in supporting the consolidation of democracy, maximize its contribution to security sector reform, contribute to the normalization of regional relations and help to ensure that significant benchmarks are achieved in key areas identified in consultation with the Government.

44. I therefore propose that the principal elements of the MONUC mandate, as an integrated Mission working in close collaboration with the United Nations country team and donors, would be to assist the Government of the Democratic Republic of the Congo in (a) building a stable security environment, (b) consolidating democracy, (c) planning security sector reform and participating in its early stages, (d) protecting human rights and strengthening the rule of law, (e) the protection of civilians and (f) the conduct of local elections. The United Nations would also contribute actively, if requested to do so by the Government, to the coordination of international assistance.

45. In all areas of its work, MONUC will emphasize the role of civil society in political dialogue and decision-making, ensuring a rights-based approach, as defined by the General Assembly, and the implementation of Security Council resolutions 1325 (2000) on women and peace and security and 1612 (2005) regarding the protection of children. As the focus of United Nations efforts shifts increasingly towards longer-term goals, the United Nations country team is expected to play an increasingly important role in the post-transition period.

A. Building a stable security environment

Protection of civilians and security operations

46. Under a mandate based on Chapter VII of the Charter of the United Nations, MONUC would continue to support the Government of the Democratic Republic of the Congo in creating a stable security environment in the country, within its capabilities and where it is deployed, by protecting civilians under imminent threat of violence, securing national borders and monitoring illegal arms flows, protecting humanitarian personnel and securing United Nations personnel and activities. Through support for FARDC operations, MONUC would compel recalcitrant local armed groups to join the disarmament, demobilization and reintegration process,

maintain pressure on foreign armed groups (including FDLR and LRA) and interdict illegal economic activities and support for illegal armed groups.

47. The security responsibilities of MONUC would be gradually turned over to the Congolese authorities in line with clear, agreed benchmarks to be achieved through an enhanced security sector reform programme in which MONUC would participate in line with its mandate, resources and expertise. If requested to do so by the Government and in coordination with international partners, MONUC would assist in security sector reform at the policy level as the Government takes the lead in establishing a comprehensive security sector reform process. That process would include strengthening command and control of the military and police forces and building an effective military justice system.

Security sector reform

48. It will be essential to ensure that as MONUC disengages, significant progress is being made in security sector reform. Long-term and comprehensive capacity-building of FARDC can be carried out only in cooperation with bilateral donors. However, its capacity to conduct joint operations needs to be urgently improved. In this regard, in areas where MONUC is present it would provide short-term, basic, individual and unit-level training to integrated FARDC brigades deployed in the eastern Democratic Republic of the Congo in order to improve their capability to hold ground and secure the gains made, and so that they could earn the confidence and support of the population. Human rights would be an important component of all training activities. MONUC would also continue to mentor FARDC at all levels to promote a single, effective and accountable line of command.

49. Since 2005, MONUC has provided FARDC with limited material support to enable it to conduct joint operations. Without such assistance, which includes sustenance, medical support, fuel for transportation, communications equipment and occasional airlifts, FARDC units would lack sufficient operational mobility and face shortages in rations and other combat supplies. When essential for joint operations, MONUC would need to continue providing such support, pending enhanced bilateral assistance programmes and progress in the Government's own efforts to enhance the capabilities of FARDC.

Police

50. MONUC would continue to develop the capacity of the national police and related law enforcement agencies, in accordance with internationally recognized human rights and criminal justice norms and standards. MONUC would provide policy advice, technical assistance and training, in coordination with other international partners, as well as mentoring and on-the-job training through co-location of MONUC police advisers at the command and field levels. It would also conduct on-the-job training at the national and provincial levels in operational and resource planning, the creation of coordination mechanisms and the establishment of professional standards and disciplinary units to ensure prompt follow-up on human rights violations and unprofessional conduct by police and law enforcement officials. Significant efforts by international partners, including technical training and resources, will be required during the MONUC mandate and beyond.

51. The formed police units of MONUC would, in areas of deployment, continue to train Congolese counterparts at the local level, provide perimeter security for

United Nations installations and, together with national police crowd-control units, conduct joint patrols to increase security in the event of civil disturbances. MONUC would continue to advise and train the national police to ensure that the use of force is proportionate to the threat and in accordance with internationally accepted crowd-control methods.

Justice

52. MONUC would continue to work with its national and international partners to provide strategic and operational policy advice in this vital area, especially with regard to means for coordinating between police, justice and prison systems and for facilitating coordination between justice officials and the promotion of professional standards. MONUC would provide on-the-job training and co-locate experts with officials of the Democratic Republic of the Congo, provide technical assistance and train instructors.

53. Together with bilateral and multilateral partners, MONUC would support the Government in strengthening the capacity of the justice and prison system by assisting in the development of a long-term justice and prison reform strategy; mobilizing donor assistance; enhancing capacity to investigate and prosecute serious criminal cases and for court and prison management; improving national academic capacity for professional training; and bringing State-provided justice to all communities in the Democratic Republic of the Congo. MONUC would also enhance military justice, by initiating a military justice needs assessment and follow-up; by evaluating the role of military justice with a view to restricting its jurisdiction to military offences and personnel; by mobilizing assistance to improve a minimum number of military prisons; and by deploying military justice personnel.

Authorized strength of the Mission

54. In projecting the mandated strength that MONUC requires, it should be taken into consideration that the security situation in the Democratic Republic of the Congo remains fragile, with the potential for violence to erupt simultaneously in several locations. MONUC military and police remain a unique and indispensable pillar for helping ensure stability.

55. An immediate reduction in the MONUC troop level would weaken the ability of FARDC and the Mission to maintain military pressure on the remaining armed groups in Ituri, the Kivus and Katanga, thus delaying the pacification of those areas. Any quick reduction would also leave the Democratic Republic of the Congo without a capacity to respond to multiple incidents in different regions. The reduction or removal of MONUC formed police units would seriously disrupt ongoing programmes to build the capacity of the national police to deal with civil disorder, while depriving MONUC of a non-lethal option to protect its own personnel and facilities in the event of violence. Furthermore, it is likely that political tensions will rise in the run-up to the local elections. MONUC will require a significant military, police and logistical presence to support countrywide local elections effectively. In order for the Mission to carry out the tasks envisaged in the next phase, it would require its current authorized military strength of 17,030 (all ranks, not inclusive of military observers), its 391 police trainers and its six formed police units (750, all ranks) until at least 31 December 2007.

56. In accordance with established practice, the Secretariat will conduct a technical assessment mission to the Democratic Republic of the Congo before September to assist MONUC in its strategic planning for the next phase of the Mission. That technical mission will focus in particular on the establishment of benchmarks in key sectors to guide the eventual drawdown and withdrawal of MONUC. Accordingly, I propose to present further recommendations regarding the force strength, deployment and operations of MONUC to the Security Council in a report to be issued in November 2007.

B. Consolidating democracy

Strengthening democratic institutions and processes

57. In the next phase, MONUC and the United Nations country team would work very closely with the Government to help the Democratic Republic of the Congo acquire capacity at the national, provincial, regional and local levels. The efforts of MONUC would focus on strengthening democratic institutions and processes; promoting justice, human rights and child protection; gender issues; and supporting humanitarian operations. MONUC would play an essential role countrywide in supporting the Government's efforts for decentralization and the extension of State authority.

58. MONUC would play a role in promoting good governance and accountability, advancing national reconciliation and engaging with and coordinating partners and international support. It would also support the strengthening of civil society using a variety of means, including Radio Okapi. Working closely with the Government and the United Nations country team, MONUC would also support the implementation of the Government programme for 2007-2011 and facilitate the implementation of the Country Assistance Framework.

Promoting human rights

59. The integrated United Nations Human Rights Office, which includes MONUC human rights officers, would continue its human rights monitoring role, assist the Government in putting an end to impunity, strengthen national capacity in the area of human rights and assist in building civil society's capacity to monitor and advocate for human rights. The integrated Office would also support the Government and civil society in establishing an independent and credible national human rights institution in accordance with the Paris Principles. It would also help develop and implement a transitional justice strategy, including through assistance to the Office of the United Nations High Commissioner for Human Rights in implementing a mapping exercise of the most serious violations of human rights and international humanitarian law committed between March 1993 and June 2003. That mapping exercise, which is important for long-term national reconciliation and justice in the country, would require donor funding. MONUC would also continue to cooperate with efforts to ensure that those responsible for serious violations of human rights and international humanitarian law are brought to justice.

Promoting child protection

60. MONUC would continue to assist the Government and civil society actors to strengthen their capacity in the area of child protection in close cooperation with

national and international partners, and continue monitoring and reporting on violations of children's rights, in accordance with Security Council resolution 1612 (2005). It would support the Government in developing and adopting the necessary legal, judicial, security and other measures to enhance the protection of children.

Gender

61. Together with national and non-governmental organizations, MONUC and the United Nations country team would assist the Government and civil society in integrating and reinforcing the gender perspective in national programmes. MONUC would support the parliament's adoption of a law on gender equality, as stipulated in the Constitution, and its review of existing legislation pertaining to women's rights to ensure that it reflects international standards. In collaboration with the Ministry of Women's and Family Affairs and women's groups, MONUC would also help develop a national plan of action on Security Council resolution 1325 (2000) and assist the national authorities, the security forces and civil society in developing programmes on peace and security and women's issues.

C. Support for local elections

62. The local elections form an integral part of the electoral process envisaged under the Global and All-Inclusive Agreement. They are essential for implementing the constitutional decentralization process and for the participation of communities in governance and reconstruction. The process will entail the election, by universal suffrage, of 98 municipal and 5,400 local community councils, followed by indirect elections of 98 burgomasters, 21 mayors and over 700 sector chiefs and their deputies. With 6,037 local (as opposed to 385 national and provincial) constituencies, the local elections will be a challenge equal to, if not surpassing, that of organizing and supporting the national elections. The local elections will take place across the country in several phases and are expected to require at least 12 months to complete.

63. In response to the Government's request, the assistance of MONUC would include advising on a legal framework for the National Independent Electoral Commission as a successor to the Independent Electoral Commission; helping to establish the National Independent Electoral Commission and consolidate its institutional capacity; and providing logistical and security support. MONUC and UNDP would also assist the Government in mobilizing sufficient international assistance for the holding of the local elections. The Mission and other partners would help the National Independent Electoral Commission develop operational plans and promote a high degree of participation by women candidates.

64. MONUC would also continue to assist the Government in completing outstanding work related to the elections, including updating voters' lists. MONUC and UNDP will work through integrated structures in supporting the local elections, as they did for the national elections. The Government, MONUC, UNDP and other donors are working to confirm the overall plan, budget and financing and support arrangements.

D. Humanitarian issues

65. Persistent violence against civilians and localized conflicts have dire consequences for the population. Between December 2006 and January 2007 an estimated 115,000 people were forced to flee their homes in North Kivu following the confrontation between FARDC and elements loyal to Laurent Nkunda. In Ituri district, renewed fighting between FNI and FARDC led to the displacement of some 35,000 persons towards the end of January 2007. Just over 1 million persons remain displaced, and there are 413,000 Congolese refugees in neighbouring countries. While the humanitarian needs in the country remain immense, the increased capacity of the humanitarian community to respond, coupled with better security conditions in some areas of the country, allowed for the provision in 2006 of assistance to more than 600,000 displaced persons and facilitated the return of 550,000 internally displaced persons, as well as the repatriation of 35,000 Congolese refugees.

66. Over the past year, the Office for the Coordination of Humanitarian Affairs has reinforced its operations in the east of the country and improved the coordination of humanitarian response. The donor community has increased its support by contributing some $351 million to the 2006 humanitarian action plan. The 2007 humanitarian action plan, launched on 30 November 2006, totals $687 million and focuses on rapid responses to emergencies and the recovery of affected populations. Almost 70 per cent of the 2007 requirements are targeted for the eastern Democratic Republic of the Congo.

67. In the western provinces, UNDP and MONUC would continue to support the Humanitarian Coordinator and the Office for the Coordination of Humanitarian Affairs by facilitating inter-agency coordination for life-saving, emergency protection and recovery projects until the United Nations country team can deploy additional resources for that purpose. The Mission would also continue to assist the Government in building capacity for mine action, including the development of medium- and long-term responses and mechanisms for the coordination of mine action activities.

E. Conduct and discipline

68. My Special Representative and the MONUC senior management team continue to give high priority to the prevention of sexual exploitation and sexual abuse and other types of misconduct, including through a policy of strong preventive measures and an ambitious training strategy. In 2006, thousands of United Nations personnel were briefed and trained on the code of conduct through numerous briefing sessions, including train-the-trainer workshops for military personnel. A database monitoring system and strengthened procedures for monitoring, reporting and processing allegations have been put in place, enabling the Mission to report more systematically on allegations of misconduct by all categories of personnel.

69. During 2006, 176 allegations of sexual exploitation and abuse were reported to the Office of Internal Oversight Services. Investigations were completed against 49 personnel; as a result, three military contingent members were repatriated on disciplinary grounds. The remaining allegations are under active investigation. In

cooperation with the MONUC Conduct and Discipline Team, the Office of Internal Oversight Services has made considerable progress in addressing the concerns expressed in my previous reports with regard to the length of, and delays in, investigations. However, those aspects, as well as the limited investigative capacity of the Office of Internal Oversight Services, need to be urgently addressed.

70. I intend to monitor closely the progress made towards eliminating sexual exploitation and abuse by United Nations personnel wherever deployed, and ensuring that whenever it occurs, those responsible are held accountable. During my visit to the Democratic Republic of the Congo in January, I stressed to MONUC personnel that the policy of zero tolerance for sexual exploitation and abuse will be vigorously applied.

F. Coordination of international support

71. The Government of the Democratic Republic of the Congo requires the sustained support of international partners in addressing the priorities set out in its programme for 2007-2011. This will necessitate an effective platform for regular consultation between the Government and the international community in order to ensure that key partners clearly understand the Government's goals and initiatives, to help maintain international engagement, and to ensure concerted action by international partners of the Democratic Republic of the Congo in averting or responding to potential crises. Such a platform would also provide active support for the Government in its efforts to move the democratic process forward. A partnership arrangement, chaired by the Prime Minister or another senior Government official, with my Special Representative as Vice-Chair, might provide such a forum. If requested to do so by the Government, MONUC would be prepared to facilitate and provide the secretariat for such a forum. It is expected that development assistance will also be coordinated under the strong leadership of the Government through mechanisms supported by the World Bank and the United Nations Resident Coordinator.

V. Financial aspects

72. The General Assembly, by its resolution 60/121 B, appropriated the total amount of $1,091,242,800, equivalent to $90,936,900 per month, for MONUC for the period from 1 July 2006 to 30 June 2007. Should the Security Council decide to extend the mandate of MONUC beyond 15 April 2007, the cost of maintaining the Mission until 30 June 2007 would be limited to the amounts approved by the General Assembly.

73. As at 31 December 2006, unpaid assessed contributions to the special account for MONUC amounted to $349.3 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $1,760 million.

74. As at 31 January, amounts owed to troop and formed-police contributors totalled $56.9 million. Reimbursements of troop and contingent-owned equipment costs have been made for the period up 31 October 2006 and 31 March 2006, respectively.

VI. Observations and recommendations

75. With the successful conduct of the 2006 elections and the installation of the new Government, the Democratic Republic of the Congo has reached a historic turning point. In his inaugural speech, President Kabila captured the significance of this moment. He called for respect for democratic principles, tolerance and inclusiveness, and for setting visionary goals for reducing poverty and raising living standards. His words articulated the long-held aspirations of the Congolese people to break with the past and establish a new culture of democracy, reconciliation, human rights and development.

76. The Government now faces the daunting task of realizing its ambitious programme for 2007-2011. By including in its programme the "governance contract", the Government expressed its commitment to governance principles endorsed by the Congolese people and by the international community. Faithful implementation of the contract would bring major benefits for the people of the Democratic Republic of the Congo. I therefore urge the international community to support the Government in its efforts to put its historic programme into effect.

77. The Government has requested the assistance of MONUC to support the holding of local elections as soon as possible, and has begun preparing the necessary legislation. Those elections will be another important step in the democratization of the country. The United Nations is prepared to provide technical advice and to facilitate that crucial exercise, as well as to extend logistical and security support to the National Independent Electoral Commission that is to be established.

78. The largely peaceful and orderly passage from the transition period to the new dispensation has not been without cause for concern. Some of the most recent political developments in the Democratic Republic of the Congo have been worrying. I am concerned at the alleged widespread electoral corruption believed to have influenced the results in several gubernatorial contests. Furthermore, the narrowing of the political space for an effective political opposition, including the exclusion of opposition members from the Bureau of the National Assembly, as well as the incitement to violence by some members of opposition parties, represent troubling tendencies that, if not reversed, threaten the nascent democracy of the Democratic Republic of the Congo.

79. I strongly urge the political leaders in the Democratic Republic of the Congo to respect the principles of transparency, inclusiveness and tolerance of dissent. At the same time, opposition parties should adhere to those same democratic norms, voicing their views responsibly and without resort to violence. Failure to adhere to these democratic principles would seriously undermine the credibility and ultimate legitimacy of the country's political leaders and institutions.

80. Inadequate participation by women in political structures at the national and provincial levels is also a cause for concern. A concerted effort should be made by all political parties and the Government to promote the participation of women candidates and to engage women in civic and voter education.

81. Assisting the Democratic Republic of the Congo in addressing the security challenges posed by armed groups in the east will remain a core element of the MONUC mandate. In Ituri, strong Government efforts to ensure the entry of all

remaining militia elements into disarmament, demobilization and reintegration remain vital, including through continued military pressure by FARDC, supported by MONUC. In North and South Kivu, developments show prospects for improvement. In this regard, I commend the efforts of the Governments of the Democratic Republic of the Congo and Rwanda to resolve the problems posed by the forces of renegade commander Laurent Nkunda and other armed elements.

82. The Government should urgently develop a coherent plan for achieving security in the East, including through the completion of disarmament, demobilization and reintegration, which should be accompanied by efforts to promote national reconciliation, recovery and development in the region. MONUC will continue to work closely with FARDC to bring an end to the threats posed by FDLR and non-integrated militias, including Mayi-Mayi and other groups. The FDLR problem should be addressed through a combination of political engagement, military dissuasion and possible relocation.

83. The presence of LRA in the north-eastern Democratic Republic of the Congo remains a destabilizing element in the region that must be addressed with determination. The United Nations continues to support Uganda's efforts to address this problem through dialogue and the efforts of my Special Envoy for the LRA-affected areas, Joaquim Chissano.

84. Progress in security sector reform is key to the restoration and consolidation of peace in the Democratic Republic of the Congo and the exit strategy for MONUC. International stakeholders should reach agreement with the Congolese authorities on the way forward on security sector reform as soon as possible. A comprehensive security sector reform plan should take into account immediate and long-term needs and identify the key priorities in the areas of defence sector reform, police and justice. The achievement of specific benchmarks of operational performance by the security forces of the Democratic Republic of the Congo will be critical for the eventual disengagement of MONUC. Much useful preliminary work has been done by the international partners of the Democratic Republic of the Congo, in particular the European Union, to assess needs and outline possible approaches to security sector reform. I would encourage the Government and those partners to reach early agreement on effective coordination arrangements for security sector reform and to proceed with that vital process in earnest, building on earlier efforts. Assisting the Government in identifying resources for long- and short-term funding and encouraging the support of a wide range of international partners will be essential elements for success.

85. The establishment of the new Government offers an opportunity for the Democratic Republic of the Congo to normalize its relations with neighbouring States. I would urge the Democratic Republic of the Congo to establish full diplomatic relations with its neighbours as soon as possible and to address mutual concerns over security and border issues constructively. The recently signed Pact on Security, Stability and Development in the Great Lakes Region offers a promising mechanism for regional cooperation, and I would urge the parliaments of the signatory States to ensure its early ratification.

86. My Special Representative has consulted with President Kabila and Prime Minister Gizenga, as well as with National Assembly President Kamerhe, regarding the future mandate of MONUC. He has also discussed it with representatives of the Governments of Angola, Belgium, France, Germany, South Africa, the United

Kingdom of Great Britain and Northern Ireland and the United States of America. He has also met with Javier Solana, High Representative for Common Foreign and Security Policy of the European Union, and senior European Commission officials, as well as with Paul Wolfowitz, President of the World Bank.

87. In the light of these consultations, and taking into consideration the factors discussed above, I recommend that the Security Council approve the post-transition mandate for MONUC as outlined in section IV above, including a military strength of 17,030 personnel and 760 military observers and a civilian police strength of 391 police advisers and six formed police units of 125 members each (all ranks) until 31 December 2007. MONUC would continue to operate as a fully integrated Mission in which its work and that of the United Nations country team reinforce and complement each other.

88. An operational plan for the gradual downsizing and eventual withdrawal of MONUC and a responsible exit strategy will require clear linkages between the achievement of benchmarks in key areas — including in the political sphere — and the handover of responsibility to other actors, including the Government, the United Nations agencies, funds and programmes, the World Bank and other bilateral and multilateral stakeholders. Following the multidisciplinary technical assessment mission to the Democratic Republic of the Congo described in paragraph 56 above, I intend to report to the Security Council in November on benchmarks in key sectors and tentative timetables for achieving them, which would guide a gradual and phased withdrawal of MONUC.

89. I would like to thank my Special Representative, William Lacy Swing, and all the women and men of MONUC and the United Nations country team for their determination and dedication, particularly over the past difficult months. Their service, often under difficult conditions, has been instrumental in the realization of the aspirations of the people of the Democratic Republic of the Congo for the holding of national elections. My appreciation also goes to the countries contributing police and troops to MONUC and to donor countries and the multilateral and non-governmental organizations that continue to provide invaluable support to the Democratic Republic of the Congo.

Annex

United Nations Organization Mission in the Democratic Republic of the Congo: military and civilian police strength as at 28 February 2007

	Military component				
Country	*Military observers*	*Staff officers*	*Troops*	*Total deployed*	*Civilian police*
Algeria	5	0	0	5	3
Argentina	0	0	0	0	0
Bangladesh	15	9	1 331	1 355	250
Belgium	0	9	0	9	0
Benin	13	0	750	763	10
Bolivia	8	0	200	208	0
Bosnia and Herzegovina	5	0	0	5	0
Burkina Faso	11	0	0	11	55
Cameroon	0	0	0	0	55
Canada	0	9	0	9	0
Central African Republic	0	0	0	0	7
Chad	0	0	0	0	2
China	10	2	218	230	0
Côte d'Ivoire	0	0	0	0	7
Czech Republic	3	0	0	3	0
Denmark	1	1	0	2	0
Egypt	19	4	0	23	1
France	0	6	0	6	9
Ghana	22	3	462	487	30
Guatemala	5	1	105	111	0
Guinea	0	0	0	0	0
India	36	13	4 372	4 421	250
Indonesia	9	4	175	188	0
Ireland	0	23	0	23	0
Jordan	21	5	66	92	4
Kenya	29	7	0	36	4
Madagascar	0	0	0	0	4
Malawi	26	0	109	135	0
Malaysia	4	5	0	16	0
Mali	20	0	0	20	19
Mozambique	0	0	0	0	0
Mongolia	2	0	0	2	0
Morocco	1	3	809	813	0
Nepal	19	1	1 030	1 050	0

Country	Military component				Civilian police
	Military observers	Staff officers	Troops	Total deployed	
Netherlands	0	0	0	0	0
Niger	17	1	0	18	48
Nigeria	30	1	0	31	0
Pakistan	36	15	3 556	3 607	0
Paraguay	17	0	0	17	0
Peru	4	0	0	4	0
Poland	3	0	0	3	0
Romania	24	0	0	24	1
Russian Federation	22	1	0	23	4
Senegal	12	14	459	485	275
South Africa	2	14	1 184	1 200	0
Serbia	0	0	6	6	0
Spain	2	0	0	2	0
Sri Lanka	2	0	0	2	0
Sweden	5	0	0	5	3
Switzerland	1	1	0	2	0
Tunisia	26	5	464	495	0
Turkey	0	0	0	0	5
Ukraine	11	0	0	11	3
United Kingdom	0	6	0	6	0
Uruguay	33	12	1 324	1 369	0
Vanuatu	0	0	0	0	2
Yemen	4	0	0	4	1
Zambia	20	4	0	24	
Total	**555**	**167**	**16 620**	**17 342**	**1 024**

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